

REMARKS

Claims 1-20 are now pending in the application. Claims 1, 13, and 17 have been amended to recite that the arterial graft has a first diameter, that the venous outflow catheter has a second diameter, that the cuff is cylindrical, and that the cuff defines a graded interior diameter to provide a secure fit therein for both the arterial graft and the venous outflow catheter. Support for these amendments is found throughout the Specification and Figures and at least at Paragraphs [0024] – [0026] and at Figure 1. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-3, 7, 10, 13, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Squitieri (U.S. Pat. No. 6,102,884). This rejection is respectfully traversed.

With respect to Claims 1, 13, 17, and all dependent claims, Applicants' claims as amended recite that the arterial graft has a first diameter, that the venous outflow catheter has a second diameter, that the cuff is cylindrical, and that the cuff defines a graded interior diameter to provide a secure fit therein for both the arterial graft and the venous outflow catheter. Squitieri discloses access sites 20 with an in line aperture 16 in which a silicone member 25 sits proud to the needle access 20. Column 4, lines 3-49 and Figures 2 and 3. Other embodiments provide elaborate frames and quick access ports into which the graft is snapped or press-fit. Column 5, line 66 through Column 6, line 27. Squitieri does not disclose Applicants' cylindrical cuff having a graded interior diameter to provide a secure fit for both the arterial graft and the venous outflow catheter. Further, with respect to Claim 17 and its dependents, Applicants respectfully reassert that Squitieri does not disclose depositing the blood directly into the right atrium.

As Squitieri does not disclose each and every element of Applicants' claimed invention as amended, the §102 rejection is improper. Reconsideration and removal of the §102 rejection are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 4, 5, 8, 9, 12, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Squitieri (U.S. Pat. No. 6,102,884). This rejection is respectfully traversed.

As detailed above, Squitieri does not disclose a cylindrical cuff having a graded interior diameter to provide a secure fit for both the arterial graft and the venous outflow catheter for Applicants' permanent indwelling catheter. One skilled in the art would not modify the needle access ports, quick couplings, and the frames of Squitieri to arrive at Applicants' claimed invention as amended because it would not provide the "easy exchangeability" taught by Squitieri. Column 4, lines 36-38.

Further, with respect to claim 18 (and its corresponding independent claim 17), Squitieri does not disclose depositing the blood directly into the right atrium. Squitieri teaches and depicts placement of the outflow catheter in a vein and employs a special end to be positioned in the vein. Column 5, lines 42-49. One skilled in the art would not modify the system of Squitieri to eliminate the specially adapted outflow catheter end and then deposit blood directly into the right atrium. By depositing the blood directly into the right atrium, Applicants' invention prevents problems that exist when a high flow system transmits into a vein and prevents stenosis. As Squitieri does not teach or suggest the elements of Applicants' claimed invention as amended, the §103 rejection is improper. Reconsideration and removal of the §103 rejection are respectfully requested.

Claims 6, 11, 15, 16, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Squitieri in view of Trerotola et al. (U.S. Pat. No. 5,591,226). This rejection is respectfully traversed.

As detailed above, Squitieri fails to disclose, teach, or suggest Applicants' claimed invention as amended. To remedy the shortcomings of Squitieri, the Examiner relies on Trerotola et al. Trerotola et al. disclose a stent-graft including a flexible, indwelling tube having an open-weave construction and a series of removable retaining means attached to the open-weave tube to facilitate placement of the open-weave stent in the patient's vasculature. Column 3, line 58 through Column 4, line 40. Trerotola et al. and Squitieri are not properly combinable because at least one critical teaching of each of Squitieri and Trerotola et al. would need to be destroyed to combine the references. First, the Squitieri quick couple external needle attachment or needle access port would need to be eliminated to accommodate the Trerotola et al. indwelling stent and provide the appropriate fit thereof entirely within the patient's vasculature. Second, the open-weave construction of the Trerotola et al. stent would need to be eliminated or closed such that the blood rerouting from Squitieri could be achieved between the artery and the vein. Accordingly, Squitieri and Trerotola are not properly combinable references. Additionally, neither Squitieri nor Trerotola provide a cylindrical cuff having a graded interior diameter to provide a secure fit for both the arterial graft and the venous outflow catheter.

With respect to claims 19 and 20, the addition of Trerotola et al. does not remedy the shortcomings of Squitieri with respect to the surgical method claims. Trerotola et al. does not disclose depositing the combination stent-graft directly into the right atrium and the purpose of the stent-graft is to maintain blood flow within the patient's vasculature by keeping the vasculature open. Modifying Trerotola et al. to deposit into the right atrium would destroy the purpose of the invention.

As Squitieri and Trerotola et al. are not properly combinable references and modification thereof would still not provide Applicants' claimed invention as amended, the §103 rejection is improper. Reconsideration and removal of the §103 rejection are respectfully requested.

CONCLUSION

Applicants submit that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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